

REMARKS/ARGUMENTS

Applicant wishes to thank Examiner Barts for indicating that all prior art rejections have been withdrawn.

Claims 1-20 are currently pending the present application.

The rejection of claims 1-20 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-19 of US Patent No. 7,323,598 has been overcome by the filing of the attached Terminal Disclaimer.

The filing of the Terminal Disclaimers is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above, consideration and allowance are, therefore, respectfully solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00213-US from which the undersigned is authorized to draw.

Dated: November 13, 2008

Respectfully submitted,

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